

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT ELKINS**

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

**Civil Action No. 2:24-cv-12
Judge Kleeh**

JEROME JAMES WAGNER,

Defendant.

RULE 26(f) JOINT REPORT OF PARTIES' PLANNING MEETING

Pursuant to this Court's Order dated June 18, 2024, Federal Rules of Civil Procedure 16(b) and 26(f), and Local Rule of Civil Procedure 16.01, Plaintiff, Mountain Valley Pipeline, LLC, and Defendant, Jerome James Wagner, through their respective counsel, hereby submit their joint Rule 26(f) Report and Scheduling Order Checklist.

I. Initial Disclosures

The deadline to file initial disclosures in accordance with Fed. R. Civ. P. 26(a)(1) and L.R. Civ. P. 26.01(a) shall be August 19, 2024.

II. Discovery Plan

The parties agree and jointly propose the following discovery plan:

a. The parties will require discovery on facts relevant to Plaintiff's claims and alleged injuries, including the cause(s) thereof and extent of damages, if any. The parties will also require discovery regarding facts relevant to Defendant's affirmative defenses, if any. The parties intend this summary to provide the Court with information regarding the nature of the case and not as a limitation on the areas of inquiry.

b. The parties do not currently anticipate the need for phased discovery.

c. The parties agree that they will produce documents in PDF format or, upon request, native format. If issues arise regarding disclosure of electronically stored information (“ESI”), the parties agree to meet and confer in good faith regarding entry of an ESI protocol.

d. The parties agree that the Federal Rules of Civil Procedure and Local Rules of Civil Procedure for the Northern District of West Virginia will govern the limitations on discovery.

e. The parties agree that the Federal Rules of Civil Procedure and Local Rules of Civil Procedure for the Northern District of West Virginia will govern their respective deadlines to submit privilege logs.

III. Disputed Facts

Defendant reserves the right to dispute the constitutionality of the Natural Gas Act, 15 U.S.C. § 171o (2018), the lawfulness and validity of Plaintiff’s authorization for the construction of the natural gas pipeline that is at issue in this action, and to assert the Fifth Amendment privilege and any other applicable privileges. Defendant does not concede liability for the conduct alleged.

IV. Magistrate

The parties do not consent to trial by a magistrate judge.

V. Alternative Dispute Resolution

The parties agree that alternative dispute resolution would not be productive at this time.

VI. Complexity of Action

This case is not complex, and the parties do not anticipate the need for individualized monitoring in a case-specific manner.

VII. Scheduling Conference

The parties do not anticipate the need for a scheduling conference and propose the schedule set forth in the Scheduling Order Checklist, which is attached hereto as **Exhibit A**.

[signature page to follow]

/s/ Christopher S. Etheredge

Timothy M. Miller (WVSB No. 2564)
Robert M. Stonestreet (WVSB No. 9370)
Jennifer J. Hicks (WVSB No. 11423)
Christopher S. Etheredge (WVSB No. 13835)
Austin D. Rogers (WVSB No. 13919)
BABST CALLAND, P.C.
300 Summers Street, Suite 1000
Charleston, WV 25301
Telephone: (681) 205-8888
Facsimile: (681) 208-8814
tmiller@babstcalland.com
rstonestreet@babstcalland.com
jhicks@babstcalland.com
cetheredge@babstcalland.com
arogers@babstcalland.com
Counsel for Plaintiff

/s/ William V. DePaulo

William V. DePaulo (WVSB No. 995)
P.O. Box 1711
Lewisburg, WV 24901
Telephone: (304) 342-5588
Facsimile: (866) 850-1501
william.depaulo@gmail.com
Counsel for Defendant

and

Jonathan Sidney
Pro Hac Vice
Colorado Bar No. 52463
Ohio Bar No. 0100561
Climate Defense Project
P.O. Box 97
Forest Hill, WV
Email: jsidney@climatedefenseproject.org
Telephone: (510) 318-1549
Counsel for Defendant

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CERTIFICATE OF SERVICE

The undersigned, as counsel for Plaintiff Mountain Valley Pipeline, LLC hereby certifies that a true and correct copy of the foregoing **Rule 26(f) Joint Report of Parties' Planning Meeting** was filed this 1st day of August, 2024, through the Court's CM/ECF system which will send an electronic notification to counsel of record as follows:

William V. DePaulo, Esquire
PO Box 1711
Lewisburg, WV 25901
Counsel for Defendant

Jonathan Sidney, Esquire
PO Box 97
Forest Hill, WV 24935
Counsel for Defendant

/s/ Christopher S. Etheredge
Christopher S. Etheredge (WVSB No. 13835)